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**Introduced by Senator Figueroa**

January 29, 2001

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An act to amend Sections 1601, 1616.5, and 1742 of the Business and Professions Code, relating to dental professionals.

LEGISLATIVE COUNSEL'S DIGEST

SB 134, as introduced, Figueroa. Dental professionals.

Existing law provides for the licensing and regulation of dental professionals and dental auxiliaries by the Dental Board of California and the Committee on Dental Auxiliaries. The provisions creating the board, authorizing the board to appoint an executive officer, and creating the committee will become inoperative on July 1, 2002, and will be repealed on January 1, 2003.

This bill would delete these dates, thereby extending the operation of these provisions until an unspecified date.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1601 of the Business and Professions  
2 Code is amended to read:  
3 1601. (a) There is in the Department of Consumer Affairs the  
4 Dental Board of California in which the administration of this  
5 chapter is vested. The board consists of eight practicing dentists,  
6 one registered dental hygienist, one registered dental assistant, and  
7 four public members. The board shall be organized into standing  
8 committees dealing with examinations, enforcement, and other  
9 subjects as the board deems appropriate.

1 This section shall become inoperative on July 1, 2002 \_\_\_\_\_,  
2 and, as of January 1, 2003 \_\_\_\_\_, is repealed, unless a later enacted  
3 statute, which becomes effective on or before January 1, 2003  
4 \_\_\_\_\_, deletes or extends the dates on which it becomes inoperative  
5 and is repealed. The repeal of this section renders the board subject  
6 to the review required by Division 1.2 (commencing with Section  
7 473).

8 (b) For purposes of this chapter, any reference in this chapter  
9 to the Board of Dental Examiners shall be deemed to refer to the  
10 Dental Board of California.

11 SEC. 2. Section 1616.5 of the Business and Professions Code  
12 is amended to read:

13 1616.5. The board may appoint a person exempt from civil  
14 service who shall be designated as an executive officer and who  
15 shall exercise the powers and perform the duties delegated by the  
16 board and vested in him or her by this chapter.

17 This section shall become inoperative on July 1, 2002 \_\_\_\_\_,  
18 and, as of January 1, 2003 \_\_\_\_\_, is repealed, unless a later enacted  
19 statute, which becomes effective on or before January 1, 2003  
20 \_\_\_\_\_, deletes or extends the dates on which it becomes inoperative  
21 and is repealed.

22 SEC. 3. Section 1742 of the Business and Professions Code  
23 is amended to read:

24 1742. (a) There is within the jurisdiction of the board a  
25 Committee on Dental Auxiliaries.

26 (b) The Committee on Dental Auxiliaries shall have the  
27 following areas of responsibility and duties:

28 (1) The committee shall have the following duties and  
29 authority related to education programs and curriculum:

30 (A) Shall evaluate all dental auxiliary programs applying for  
31 board approval, in accordance with board rules governing the  
32 programs.

33 (B) May appoint board members to any evaluation committee.  
34 Board members so appointed shall not make a final decision on the  
35 issue of program or course approval.

36 (C) Shall report and make recommendations to the board as to  
37 whether a program or course qualifies for approval. The board  
38 retains the final authority to grant or deny approval to a program  
39 or course.

1 (D) Shall review and document any alleged deficiencies that  
2 might warrant board action to withdraw or revoke approval of a  
3 program or course, at the request of the board.

4 (E) May review and document any alleged deficiencies that  
5 might warrant board action to withdraw or revoke approval of a  
6 program or course, at its own initiation.

7 (2) The committee shall have the following duties and  
8 authority related to applications:

9 (A) Shall review and evaluate all applications for licensure in  
10 the various dental auxiliary categories to ascertain whether a  
11 candidate meets the appropriate licensing requirements specified  
12 by statute and board regulations.

13 (B) Shall maintain application records, cashier application  
14 fees, and perform any other ministerial tasks as are incidental to  
15 the application process.

16 (C) May delegate any or all of the functions in this paragraph  
17 to its staff.

18 (D) Shall issue auxiliary licenses in all cases, except where  
19 there is a question as to a licensing requirement. The board retains  
20 final authority to interpret any licensing requirement. If a question  
21 arises in the area of interpreting any licensing requirement, it shall  
22 be presented by the committee to the board for resolution.

23 (3) The committee shall have the following duties and  
24 authority regarding examinations:

25 (A) Shall advise the board as to the type of license examination  
26 it deems appropriate for the various dental auxiliary license  
27 categories.

28 (B) Shall, at the direction of the board, develop or cause to be  
29 developed, administer, or both, examinations in accordance with  
30 the board's instructions and periodically report to the board on the  
31 progress of those examinations. The following shall apply to the  
32 examination procedure:

33 (i) The examination shall be submitted to the board for its  
34 approval prior to its initial administration.

35 (ii) Once an examination has been approved by the board, no  
36 further approval is required unless a major modification is made  
37 to the examination.

38 (iii) The committee shall report to the board on the results of  
39 each examination and shall, where appropriate, recommend pass  
40 points.

1 (iv) The board shall set pass points for all dental auxiliary  
2 licensing examinations.

3 (C) May appoint board members to any examination  
4 committee established pursuant to subparagraph (B).

5 (4) The committee shall periodically report and make  
6 recommendations to the board concerning the level of fees for  
7 dental auxiliaries and the need for any legislative fee increase.  
8 However, the board retains final authority to set all fees.

9 (5) The committee shall be responsible for all aspects of the  
10 license renewal process, which shall be accomplished in  
11 accordance with this chapter and board regulations. The  
12 committee may delegate any or all of its functions under this  
13 paragraph to its staff.

14 (6) The committee shall have no authority with respect to the  
15 approval of continuing education providers; the board retains all  
16 of this authority.

17 (7) The committee shall advise the board as to appropriate  
18 standards of conduct for auxiliaries, the proper ordering of  
19 enforcement priorities, and any other enforcement-related matters  
20 that the board may, in the future, delegate to the committee. The  
21 board retains all authority with respect to the enforcement actions,  
22 including, but not limited to, complaint resolution, investigation,  
23 and disciplinary action against auxiliaries.

24 (8) The committee shall have the following duties regarding  
25 regulations:

26 (A) Shall review and evaluate all suggestions or requests for  
27 regulatory changes related to dental auxiliaries.

28 (B) Shall report and make recommendations to the board, after  
29 consultation with departmental legal counsel and the board's  
30 executive officer.

31 (C) Shall include in any report regarding a proposed regulatory  
32 change, at a minimum, the specific language of the proposed  
33 changes and the reasons for and facts supporting the need for the  
34 change. The board has the final rulemaking authority.

35 (c) This section shall become inoperative on July 1, ~~2002~~ \_\_\_\_\_,  
36 and, as of January 1, ~~2003~~ \_\_\_\_\_, is repealed, unless a later enacted  
37 statute which becomes effective on or before January 1, ~~2003~~ \_\_\_\_\_,  
38 deletes or extends the dates on which it becomes inoperative  
39 and is repealed. The repeal of this section renders the committee

- 1 subject to the review required by Division 1.2 (commencing with
- 2 Section 473).

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